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 2 CLARK & RICHARDS, LLP
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RECEIVED AND FILED
 2006 DEC 20 P 3:28
 U.S. BANKRUPTCY COURT
 CLARK COUNTY CLERK

8 *Attorney for Manfred S. and Christine L. Spindel*

7 **UNITED STATES BANKRUPTCY COURT**

8 **CLARK COUNTY, NEVADA**

9 In re:

10 USA COMMERCIAL MORTGAGE COMPANY,
 11 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

12 In re:

13 USA CAPITAL REALTY ADVISORS, LLC,
 14 Debtor.

Chapter 11

15 In re:

16 USA CAPITAL DIVERSIFIED TRUST DEED
 17 FUND, LLC,
 18 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

19 In re:

20 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 21 Debtor.

**RESPONSE TO OMNIBUS
 OBJECTION OF THE
 OFFICIAL COMMITTEE OF
 EQUITY SECURITY HOLDERS
 OF USA CAPITAL
 DIVERSIFIED TRUST DEED
 FUND, LLC, TO CLAIMS ON
 EQUITY MISFILED AS
 CREDITOR CLAIMS**

22 In re:

23 USA SECURITIES, LLC,
 24 Debtor.

Date: January 3, 2007
 Time: 9:30 a.m.
 Courtroom: 1

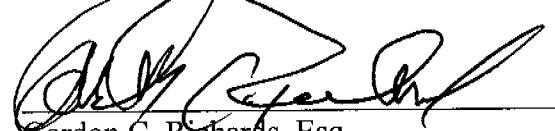
25 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Securities, LLC
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA First Trust Deed Fund, LLC

1 COMES NOW, Manfred S. and Christine L. Spindel (hereinafter "Spindel"), by and
 2 through their counsel, Gordon C. Richards, Esq., of the law firm of Clark & Richards, LLP, and
 3 submits their Response to the Omnibus Objection of the Official Committee of Equity Security
 4 Holders of USA Capital Diversified Trust Deed Fund, LLC, to Claims on Equity Misfiled as
 5 Creditor Claims, filed by the Equity Security Holders of USA Diversified Trust Deed Fund, LLC,
 6 (the "Movant").

7
 8 RESPECTFULLY SUBMITTED this 18th day of December, 2006.

9
 10 CLARK & RICHARDS, LLP

11
 12 

13 Gordon C. Richards, Esq.

14 Nevada Bar No. 1913

15 1850 E. Flamingo Road, Suite 204

16 Las Vegas, Nevada 89119

17 (702) 731-1414

18 Attorney for Manfred and Christine L. Spindel

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 Clark & Richards, L.L.P.
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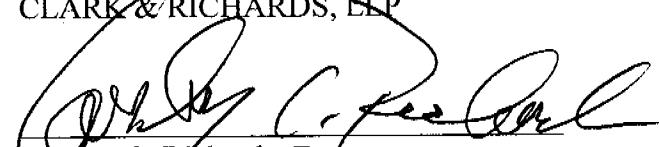
RESPONSE

19 On October 9, 2006, Spindel filed their Proof of Claim in the above referenced matter
 20 evidencing their claim against the USA Capital Diversified Trust Deed Fund, LLC, a copy of
 21 which is attached hereto as Exhibit "1", (hereinafter the "Claim"). While an objection has been
 22 asserted by the Moveant that the Claim was either mistakenly filed or inappropriately filed, the
 23 Claim submitted on behalf of Spindel correctly identifies the claim of Spindel against USA
 24 Capital Diversified Trust Deed Fund, LLC. While Spindel has no substantive argument against
 25 the objection of the Moveant with respect to the reclassification of the Claim as a Proof of
 26 Interest, Spindel does oppose any rejection of the Claim or reclassification of the same that would
 27

1 disallow the Claim. Accordingly, to the extent the Claim is reclassified as a Proof of Interest,
2 Spindel has no objection to the same subject to the constraints hereinabove mentioned.
3

4 RESPECTFULLY SUBMITTED this 18th day of December, 2006.
5

6 CLARK & RICHARDS, LLP
7

8 
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13 Attorney for Manfred and Christine L. Spindel
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Clark & Richards, L.L.P.
1850 E. Flamingo, Suite 204
Las Vegas, NV 89119
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CERTIFICATE OF MAILING

I hereby certify that on the 14th day of December, 2006, a copy of the foregoing
Response to Omnibus Objection of the Official Committee of Equity Security Holders of
Usa Capital Diversified Trust Deed Fund, Llc, to Claims on Equity Misfiled as Creditor
Claims was served via facsimile and US Mail addressed as follows:

Bob L. Olson, Esq.
Anne M. Loraditch, Esq.
BECKLEY SINGLETON, CHTD
530 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Facsimile: (702) 385-5024

Amelia W. Nutter
an employee of CLARK & RICHARDS, L.L.P.

clark & richards, L.L.P.
1850 E. Flamingo, Suite 204
Las Vegas, NV 89119
(702) 731-1414

Exhibit "1"

(Proof of Claim filed October 9, 2006)

Name of Debtor: USA Capital Diversified Trust Deed Fund, LLC	Case Number: 06-10727 (LBR)
--	--------------------------------

NOTE: See Reverse for List of Debtors and Case Numbers.
This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor and Address:



11321241003285

MANFRED S SPINDEL & CHRISTINE L SPINDEL
299 N HOLLYWOOD BLVD
LAS VEGAS NV 89110-5224

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Check box if you have never received any notices from the bankruptcy court or BMC Group in this case.

Check box if this address differs from the address on the envelope sent to you by the court.

DO NOT FILE THIS PROOF OF CLAIM FOR A SECURED INTEREST IN A BORROWER THAT IS NOT ONE OF THE DEBTORS.

If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again.

THIS SPACE IS FOR COURT USE ONLY

Creditor Telephone Number ()

Last four digits of account or other number by which creditor identifies debtor:

3216

Check here replaces
If this claim or amends a previously filed claim dated: _____

1. BASIS FOR CLAIM

<input type="checkbox"/> Goods sold	<input type="checkbox"/> Personal injury/wrongful death
<input type="checkbox"/> Services performed	<input type="checkbox"/> Taxes
<input type="checkbox"/> Money loaned	<input type="checkbox"/> Other (describe briefly) _____

Retiree benefits as defined in 11 U.S.C. § 1114(a)

Unremitted principal

Wages, salaries, and compensation (fill out below)

Other claims against servicer (not for loan balances)

Last four digits of your SS #: _____

Unpaid compensation for services performed from: _____ to _____

(date) (date)

2. DATE DEBT WAS INCURRED: 2003

3. IF COURT JUDGMENT, DATE OBTAINED:

4. CLASSIFICATION OF CLAIM. Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed.
See reverse side for important explanations.

UNSECURED NONPRIORITY CLAIM \$ 296,706.00

Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.

UNSECURED PRIORITY CLAIM

Check this box if you have an unsecured claim, all or part of which is entitled to priority.

Amount entitled to priority \$ _____

Specify the priority of the claim:

Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)

Wages, salaries, or commissions (up to \$10,000)*, earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4).

Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).

SECURED CLAIM

Check this box if your claim is secured by collateral (including a right of setoff).

Brief description of collateral:

Real Estate Motor Vehicle Other _____

Value of Collateral: \$ _____

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____

Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use -11 U.S.C. § 507(a)(7).

Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).

Other - Specify applicable paragraph of 11 U.S.C. § 507(a) (____).

* Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

5. TOTAL AMOUNT OF CLAIM \$ 296,706.00 \$ _____ \$ _____ \$ 296,706.00

AT TIME CASE FILED:

(unsecured)

(secured)

(priority)

(Total)

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

6. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

8. DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is actually received on or before 5:00 pm, prevailing Pacific time, on November 13, 2006 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).

BY MAIL TO:
BMC Group

Attn: USACM Claims Docketing Center
P. O. Box 911
El Segundo, CA 90245-0911

BY HAND OR OVERNIGHT DELIVERY TO:

BMC Group
Attn: USACM Claims Docketing Center
1330 East Franklin Avenue
El Segundo, CA 90245

THIS SPACE FOR COURT USE ONLY

FILED OCT 09 2006

DATE SIGN and print the name and title, if any, of the creditor or other person authorized to file
(This claim attach copy of power of attorney, if any):

10/4/06

Gordon C. Richards, ESQ.

USA DIVERSIFIED



1072700062

USA Commerical Mortgage Company ("USA")
USA Captial Diversified Trust Deed Fund
as of April 12, 2006

THIS STATEMENT REFLECTS THE STATUS AS OF THE BANKRUPTCY PETITION DATE.
CURRENT STATEMENTS WILL BE MAILED TO YOU SOON.

██

11320300041678

Spindel, Manfred S Or Christine
299 North Hollywood Blvd
Las Vegas, NV 89110

as Loan Servicing Agent for

Vesting Name: Manfred S. Spindel Or Christine L. Spindel

Shareholder ID: 3216

Shares	Share Price	Share Value*	Book Value**
296,706.01	\$1.00	\$296,706.01	\$245,256.07

* Share value reflected on last statement.

**The book value of the Fund is the net carrying value of the assets and liabilities on the books and records of the Fund as of April 12, 2006. The actual value and collectibility of the assets (notes and related receivables) has not been determined.

TRANSACTION REPORT

DEC/19/2006/TUE 12:22 PM

FAX (TX)

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
001	DEC/19	12:21PM	3855024	0:01:15	7	ORIGINAL ERROR	SG3 5366

THE FOLLOWING DATA COULD NOT BE SENT.
 PLEASE GIVE THIS TRANSACTION REPORT TO SENDER.

CLARK & RICHARDS, L.L.P.

1850 E. Flamingo Road, Suite 204

Las Vegas, Nevada 89119

Ph: (702)731-1414 Fax: (702) 862-8562

E-mail: gcrclarkandrichards@earthlink.net

GORDON C. RICHARDS, P.C., LTD.

HOWARD DOUGLAS CLARK, LTD.

Date: December 19, 2006**Recipient:** Bob L. Olson, Esq.
 Anne M. Loraditch, Esq.
 BECKLEY SINGLETON, CHTD.**FAX:** (702) 385-5024**From:** Gordon C. Richards
 Clark & Richards, L.L.P.**RE:** Spindel v. USA Capital Diversified Trust Deed Fund, LLC
 Bankruptcy Court Case Number: BK-S06-10725 LBR**Pages:** ___ (Including Cover Page)Hard Copy Will Follow Will Not Follow**MESSAGE:** Please see attached.

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GORDON C. RICHARDS, P.C., LTD.

HOWARD DOUGLAS CLARK, LTD.

Date: December 19, 2006

Recipient: **Bob L. Olson, Esq.**
Anne M. Loraditch, Esq.
BECKLEY SINGLETON, CHTD.

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Clark & Richards, L.L.P.

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